REMARKS

Thorough examination of the application is sincerely appreciated.

Claims 1-27 are pending, with claims 1 and 15 being independent. Claim 14 has been canceled without prejudice. Claim 14 stands objected. Claims 1, 2-4, 10, 14-18, and 25-27 stand rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent 5,798,785 (hereinafter, Hendricks). Claims 1, 2-4, 10, 14-18, and 25-27 stand rejected under 35 U.S.C. 102(b) as anticipated by U.S. Patent 5,991,799 (hereinafter, Yen). Claims 11, 12, 23 and 24 stand rejected under 35 U.S.C. 103(a) as unpatentable over Hendricks in view of U.S. Patent 6,133,909 (hereinafter, Schein). Claim 24 stands rejected under 35 U.S.C. 103(a) as unpatentable over Hendricks. Applicants respectfully request that the objection and rejections be withdrawn in light of the foregoing amendments and following remarks.

Objection to Claim 14

Claim 14 has been canceled. Hence, the basis for the Examiner's objection to claim 14 is moot.

Rejection of claims 1, 2-4, 10, 14-18 and 25-27 as anticipated by Hendricks

Pursuant to MPEP, Section 2131, to anticipate a claim, the reference must teach every element of the claim. Hendricks fails to teach every element as required by amended Claim 1 that recites, among other limitations, the following:

> "comparing identifying information of the extracted source of media content to the profile without an input from the user; ...
> automatically ranking the extracted sources of media content based on matching of the identifying information obtained from each of the sources media content and the stored profile"

The Examiner contends that Hendricks teaches "automatically scan[ning] the available sources for program abstracts and determines if the media content matches the user profile." OA, page 3, lines 1-2. Applicants respectfully disagree with the Examiner's contention. The goal of Hendricks is

> "to allow the subscriber to choose a program by touring through a series of menus." Hendricks, col. 19, lines 52-54.

The methods utilized for attaining this goal include (1) responsive methods, (2) intelligent methods and (3) methods combining responsive and intelligent methods. Hendricks, col. 29, lines 3-5. All of the methodologies have the provision of gathering data representing the viewer preferences that may be stored in memory. Hendricks, col. 29, lines 7-9. However, none of the methods allows for automatic scanning and matching extracted sources of information to a stored profile.

The use of the responsive methods requires that the subscriber input additional information every time the search is being conducted. This, for example, is disclosed in the following passage:

> Following selection of criteria on the main menu, the viewer may move through one or more submenu screens from which to choose particular entries indicative of programming preferences. As mentioned above, the viewer may choose as few or as many criteria as desired. One criteria depicted in the main menu ... is the mood criteria ... ."
> Hendricks, col. 30, lines 65 –col. 31, line 2

If the mood is unrelated to the nature of a current search, other attributes have to be selected and input by the user before the search begins. For example,

> The viewer can select one or more adjectives ... to make the search more selective. [A]...number of descriptive adjectives ... will [be] preferably used as the key words to search the abstracts ..." Hendricks, col. 31, lines 24-33.

Thus, before the search is being initiated, the stored profile has to be somewhat modified or completed by having a subscriber input certain criteria. Therefore, the responsive methodologies require the use of key words generated by the user or user's actions every time the user makes a request. The use of keywords that are input by a user is considered, however, to be one of the drawbacks of the known prior art as disclosed in the specification of the present invention, paragraph 9. In contrast, Claim 1 recites "comparing identifying information of the extracted source of media content to the profile without an input from the user."

The intelligent methodology as taught by Hendricks is utilized

> "[B]y analyzing a subscriber's past behavior, the set top terminal ... can literally "learn" to suggest appropriate

> programming or channels for a viewer. To accomplish
> this analysis, clues as to the subscriber's behavioral
> pattern must be saved in the set top terminals memory.
> These clues, such as programs watched and time
> periods of television viewing, are analyzed as necessary
> to develop a profile of the viewer. Most of this
> information is gathered and stored by the set top terminal
> unbeknownst to the subscriber. " Hendricks, col. 29,
> lines 26-43

Thus, the personal data gathered in accordance with the intelligent methods taught by Hendricks does not include "establishing a profile of a user corresponding to topics of interest of the user", as recited by amended Claim 1, but merely mimics the subscriber's viewing habits. Furthermore, repeatedly presenting or suggesting the same channel(s) or program(s), as taught by Hendricks, eliminates "scanning the available media sources", as also recited by amended Claim 1.

Hendricks also fails to teach automatically ranking a plurality of selected sources of media content. The relevant portion of the Hendricks disclosure, referred to by the Examiner, cites, in part, the following:

> "[P]rogram indicators can be generated and used in
> assigning a weight number to programs. The weight a
> program is assigned could be based on either most watched
> program information, favorite channel, or personal profile

The personal profile that is stored in a memory is never used alone for comparison or matching with extracted sources of media content. To assign weight and prioritize these extracted sources of information, Hendricks teaches utilizing a plurality of indicators, as, for example, the above referred mood or type of the program, that has to be input by a subscriber every time before or during a search. Thus, for example, in col. 35, lines 61-67, Hendricks teaches the following:

> Using the example shown in FIG. 13a, a set of preferred
> program indicators consisting of categories and weights
> are assigned based on the personal profile data. A second
> set of preferred program indicators are assigned based
> upon the mood data. These two sets of preferred program
> indicators would then be analyzed and weighted ...prior
> to entering the matching algorithm block.

As discussed above, the mood factor is always input by a subscriber as the indispensable component of a search algorithm. Therefore, Hendricks teaches comparing or matching based, at least in part, on a manual operation. There is no

teaching in Hendricks that allows for "automatically ranking the extracted sources of media content based on matching of the identifying information obtained from each of the sources media content and the stored profile", as recited in Claim 1.

Therefore, Hendricks does not have or show all of the elements, as recited by Claim 1. Hence, Hendricks does not anticipate Claim 1 as now amended.

Independent claim 15 has been amended to recite, among others, the following:

> a processor linked to the receiver and constructed to extract
> identifying information from a plurality of scanned signals
> containing media content without an input by the user;
> a ranking device operative to automatically rank the extracted
> information based on the match between the identifying
> information selectively extracted from the plurality of scanned
> signals and the stored profile.

As discussed above, Hendricks does not have or show that the user remains uninvolved while a processor searches, and that searched and selected information is ranked based on direct automatic comparison between the stored profile and extracted information, as now recited by claim 15. Accordingly, Hendricks does not anticipate Claim 15.

Claims 2-4, 10 and 14 depend on Claim 1, and Claims 16-18 and 25-27 depend on claim 15. Accordingly, the rejected dependent claims benefit from patentability of respective independent claims and are not anticipated by Hendricks. Withdrawal of the 102(b) rejection of claims 1, 2-4, 10, 14-18 and 25-27 is respectfully requested.

<u>Rejection of claims 1, 5-9, 13, 15-17 and 19-21 as anticipated by Yen</u>

Claim 1 has been amended to recite the following:

> "automatically ranking the sources of media content
> based on both the identifying information obtained from
> the sources and from the profile"

In col. 11, lines 41-52, Yen teaches that

> In a preferred embodiment, the background element 121
> records an alert threshold, indicating a degree of interest
> which is required for the background element 121 to alert
> the foreground element 122. The background element
> 121 compares the weighted value against the threshold,
> and if the weighted value exceeds the threshold, the
> background element 121 alerts the foreground element

122 to interrupt any ongoing presentation, or to enter an
active mode for presentation, so as to bring the item to
the attention of the recipient.

Accordingly, Yen is silent about ranking the selected sources of media, but simply
identifies those sources that have passed the desired threshold. Hence, Yen does not have
all of the elements recited by Claim 1 which is, thus, patentable over Yen.

Claim 15 has been amended to recite the above discussed limitation and is not
anticipated by Yen.

Claims 5-9, 13, 16-17 and 19-21 depend on respective independent claims 1 and
15 and benefit from their patentability.

Withdrawal of the 35 U.S.C. 102(b) rejection is respectfully requested.

Rejection of Claims 11, 12, 23 and 24 under 35 U.S.C. 103(a) as unpatentable
over Hendricks in view Schein.

Claims 11, 12 depend on Claim 1 and Claims 23 and 24 depend on Claim 15.
Schein cannot cure the deficiencies of Hendricks, as discussed above. Accordingly, each
of the rejected claims is patentable over the cited combination. Withdrawal of the
rejections is respectfully requested.

Rejection of Claim 22 under 35 U.S.C. 103(a) as unpatentable over Hendricks

Claim 22 depends from Claim 15 and, thus, benefits from its patentability.
Withdrawal of the 35 U.S.C. 103(a) rejection of Claim 22 is in order.

Att. Doc. No. US010521
Ser. No. 10/014,196
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Conclusion

This amendment places the instant application in condition for immediate allowance and such action is respectfully requested.

Respectfully submitted,

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April 12, 2006

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